IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION No. 8095 OF 2007

Vinayak Shankarrao Atre & ors.
v.
Ashok Bapurao Mukadam & ors.

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.S.R.Deshpande Advocate for the Applicants.

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CORAM: A.B. CHAUDHARI, J.
DATED : 7th DECEMBER, 2007.

This is an application for condonation of delay in filing application for review. Mr.Deshmukh, learned counsel for respondents, has no objection for allowing this application since the delay is only of 31 days. Therefore, delay is condoned. C.A. disposed of.

M.C.A. St.No. 17664/07

Heard Mr.Deshpande, learned counsel for the applicants and Mr.Deshmukh, learned counsel for the respondents.

In para 4 of the judgment under review a direction has been issued by this Court asking the trial Court to frame issues regarding jurisdiction and maintainability of the suit on factual or legal ground. However, the counsel for both the parties before me are *ad idem* saying that there was no written statement filed on record and hence the question of framing issues regarding jurisdiction and maintainability of the suit does not arise. It appears that through inadvertence Mr.Deshmukh, learned counsel for respondent could not point out to this Court about non-filing of written statement and setting up of plea regarding jurisdiction and maintainability of the suit. Be that as it may, direction in para 4 of the judgment itself is an error apparent on the face of the record. In view of this position, the entire order in W.P. No. 4362/04 dated 20.8.2007 will have to be set aside. Hence the judgment and order

in W.P. No. 4362/04 dated 20.8.2007 is set aside. Petition be reheard for admission.

Put up before appropriate bench.

JUDGE

/TA/